

REMARKS

The Office Action of May 12, 2009 has been received and considered. Claims 1-36 are pending in this application. Claims 1 and 21 have been amended.

Reconsideration of the application in view of the foregoing amendments and following remarks is respectfully requested. Each of the Examiner's rejections is discussed below.

Section 102

Claims 1, 2, 7-11, 15, 19, 21, 22, 26-29, and 33 have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,365,351 to Doerschuk et al ("Doerschuk"). This rejection is respectfully traversed.

Doerschuk fails to disclose or make obvious an article of swimwear with a swimsuit body **configured to provide a tight conforming fit on a swimmer's body**, as required by independent claims 1 and 21.

Doerschuk describes its diver's suit 10 as a "somewhat loosely fitting body covering" at col. 2, lines 29-32. Not only does Doerschuk not disclose the required swimsuit body **configured to provide a tight conforming fit on a swimmer's body**, Doerschuk actually teaches away from a swimsuit body with a tight conforming fit.

Accordingly, the rejection is improper and should be withdrawn.

Section 103

Claims 1-3, 5, 6, 9-11, 13, 19-25, 28, 29, 31 and 33 have been rejected under 35 U.S.C. § 103(a) over U.S. Patent No. 6,088,032 to Newman ("Newman") in view of Doerschuk. This rejection is respectfully traversed.

Newman fails to disclose or make obvious **a resilient seal having an interior surface, a first portion of the interior surface secured about the at least one aperture on an exterior of**

the swimsuit body and **a second portion of the interior surface extending beyond the swimsuit body and configured to contact the user's body** when the swimsuit body is worn by the user, as required by independent claims 1 and 21.

In Newman, it is the exterior surface of sealing strip 30 that is secured about the aperture. The entire interior surface contacts the user's body.

Doerschuk fails to overcome this deficiency of Newman. In Doerschuk, the interior surface of seals 20, 22 are not secured to the exterior of the diving suit. The exterior surface of seals 20, 22 are secured to the exterior of the diving suit with adhesive tape 42, 62, 64.

Accordingly, the rejection is improper and should be withdrawn.

Conclusion

It is respectfully submitted that the pending claims are in form for allowance. Please apply any charges or credits to Deposit Account No. 19-0733.

Respectfully submitted,

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